



Canada

Country Reports on Human Rights Practices - [2001](#)

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Canada is a constitutional monarchy with a federal parliamentary form of government. Citizens periodically choose their representatives in free and fair multiparty elections. Jean Chretien began his third consecutive term as Prime Minister in November 2000; his Liberal Party had a majority of 172 of 301 seats in Parliament. The judiciary is generally independent.

Elected civilian officials control the federal, provincial, and municipal police forces. The armed forces have no role in domestic law enforcement except in national emergencies. Laws requiring the security forces to respect human rights are observed strictly, and the courts punish violators.

The country has a population of approximately 30.7 million, who live in a highly developed, market-based economy. Laws extensively protect the well-being of workers and provide for workers' freedom of association.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means for dealing with individual instances of abuse; however, there were problems in some areas. Problems include discrimination against women, persons with disabilities, and aboriginal people. There was an increase in anti-Semitic harassment, and after September 11, there was an increase in anti-Muslim harassment. The Government continued to take serious steps to address private acts of violence against women. Trafficking of persons into the country, including trafficking for purposes of prostitution, is a growing problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings.

In June an off-duty Royal Canadian Mounted Police (RCMP) officer shot and killed his former girlfriend and injured three other persons riding in a car with her. The authorities immediately arrested him and charged him with murder and attempted murder. Provincial authorities publicly stated that he would receive no preferable treatment because he was a police officer, and that his case would be handled like any other crime. At year's end, his trial was scheduled for March 2002.

Four Toronto policemen were charged with manslaughter for the death of a suspect whom they beat while taking him into custody outside a convenience store in August 2000. The case is scheduled for a hearing in June 2002.

The RCMP completed an inquiry into the deaths of four native men in Saskatoon, Saskatchewan in 2000. Two of the men were found frozen to death in January and February 2000 in an isolated area on the outskirts of Saskatoon. The other two died at or near their homes—one from a drug overdose shortly after being released from police custody. The RCMP found no basis for any criminal charges. Local authorities conducted a coroner's inquest in October, which found no evidence of criminal conduct in one of the deaths. A coroner's inquest into the second victim's death was scheduled for January 2002.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and the Government generally observes these prohibitions in practice; however, there were isolated incidents of police mistreating suspects.

In June two Saskatoon city police officers were found guilty of illegally confining a native man in January 2000. The policemen left the person in subzero temperatures without adequate clothing in the same spot where two other native men froze to death around the same time (see Section 1.a.). The third man found help and survived. The authorities fired the two police officers, who were sentenced in October to 8 months in jail. At year's end, the officers were free on bail pending an appeal.

The military continued to receive complaints from women serving in the armed forces who charge that they are subject to sexual abuse, harassment, and discrimination. An armed forces grievance board that is independent of the military chain of command began operations in June 2000. In addition, other mechanisms established by the Government to address such complaints, including the Advisory Board on Canadian Forces Gender Integration and Employment Equity and an Ombudsman in the Department of National Defense, continued to operate. At year's end, the Ombudsman had received six sexual assault complaints, five sexual harassment complaints, and two gender discrimination complaints.

On December 6, the Supreme Court placed tight controls over police strip searches in a ruling prompted by a 1997 Toronto case, in which the victim was bent over a table and forcibly strip searched in a fast food restaurant. Other Toronto cases cited by the Court included the 1998 strip search of two Toronto schoolgirls accused of stealing earrings from a drug store, the 1999 strip search of a British lawyer taken off the street in a case of mistaken identity, and the strip search in March of eight female students at Trent University who participated in a sit-in at the school's front office. Prior to the Court's ruling, the Toronto police had revised their strip and body cavity search policies and procedures. Under their new policy, only a senior police official may authorize a strip search and only when there are reasonable grounds; such searches must be performed by an officer of the same sex as the subject. Strip searches, once properly authorized, may not be conducted in public. Police no longer are authorized to conduct body cavity searches. If deemed necessary, a cavity search must be performed by a physician at a medical facility, and only with consent or by court order. At year's end, there were no complaints about unnecessary strip or body cavity searches under investigation.

In August the RCMP Public Complaints Commission released an extensive interim report on the controversy surrounding the use of pepper spray to break up demonstrations at the 1997 Asia Pacific Economic Cooperation (APEC) conference in Vancouver (see Section 2.b.). The report concluded that the RCMP actions violated protesters' rights at APEC and "did not meet an acceptable and expected standard of competence, professionalism, and proficiency."

Prison conditions generally meet international standards, and the Government permits visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest, detention, or exile, and the Government generally observes these prohibitions in practice. Bail is generally available.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government generally respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process and vigorously enforces the right to a fair trial.

The court system is divided into federal and provincial courts, which handle both civil and criminal matters. The highest federal court is the Supreme Court, which exercises general appellate jurisdiction and advises on constitutional matters.

The judicial system is based on English common law at the federal level as well as in most provinces; in the province of Quebec, it is derived from the Napoleonic Code. Throughout the country, judges are appointed. In

criminal trials, the law provides for a presumption of innocence and the right to a public trial, to counsel (which is free for indigents), and to appeal. The prosecution also may appeal in certain limited circumstances.

The law provides for immunity from human rights laws for judges.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law generally prohibits such practices, government authorities generally respect these prohibitions in practice, and violations are subject to effective legal sanction.

In December Parliament passed an antiterrorism bill that expanded police investigative and wiretapping powers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, the Supreme Court has ruled that the Government may limit free speech in the name of goals such as ending discrimination, ensuring social harmony, or promoting gender equality. The Court ruled that the benefits of limiting hate speech and promoting equality are sufficient to outweigh the freedom of speech clause in the Charter of Rights and Freedoms.

Journalists occasionally are banned from reporting some specific details of court cases until a trial is concluded, and these restrictions, adopted to ensure the defendant's right to a fair trial, enjoy wide popular support. Some restrictions on the media are imposed by provincial-level film censorship, broadcasters' voluntary codes curbing graphic violence, and laws against hate literature and pornography. The Charter of Rights and Freedoms provides for free speech and free press, but both the Criminal Code and human rights legislation have established limits. Inciting hatred (in certain cases) or genocide is a criminal offense. The Supreme Court has set a high threshold for such cases by specifying that these acts must be proven to be willful and public. The Broadcasting Act, which prohibits programming containing any abusive comment that would expose individuals or groups to hatred or contempt, has not yet been challenged in the courts.

The Human Rights Act also prohibits repeated communications by telephone that expose a person or group to hatred or contempt. Human rights groups are exploring the possibility of extending this prohibition to the Internet, arguing that the Internet should be considered "telephonic communications" and therefore covered under the Human Rights Act. In February the Canadian Human Rights Tribunal (a government entity) completed hearings on the Ernst Zundel case examining whether a specific web site exposed Jews to hatred or contempt on the basis of their race, religion, or ethnic origin. The Tribunal was expected to issue a decision in January 2002.

In September officials dropped charges against a high school student who was arrested in November 2000 for uttering threats. The student was arrested after reading aloud in class a fictional essay he wrote for a class assignment, in which a bullied boy blows up his school. The case sparked widespread civil rights concerns that the charges violated the student's right to freedom of expression. Authorities claimed that the charges stemmed from death threats the student allegedly made against three other students who beat him up.

The Government does not restrict access to the Internet.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Charter of Rights and Freedoms provides for these rights, and the Government generally respects them in practice.

Several NGO's, including the Canadian Civil Liberties Association, the Canadian Human Rights Commission, and Amnesty International, called for an investigation of police treatment of protesters at the Summit of the Americas in April. Quebec Public Security Minister Menard dismissed calls for an investigation, saying that

police used the least violent methods possible under the circumstances. A report by a group of independent observers, appointed by Menard to monitor police forces during the Summit and ensure there was no infringement of basic rights and freedoms, concluded that the police generally respected basic human rights such as the right to demonstrate peacefully.

In August the RCMP Public Complaints Commission released an extensive interim report on the use of pepper spray to break up demonstrations at the 1997 APEC conference in Vancouver. The issues covered by the Commission included whether actions taken by police were justified by the security risk and whether political considerations such as direct influence from senior political leaders played a role in determining the level of RCMP response to protesters' actions. The report concluded that the RCMP actions violated protesters' rights at APEC and "did not meet an acceptable and expected standard of competence, professionalism, and proficiency." It also found that an aide to the Prime Minister intervened when he should not have, and that the RCMP "had succumbed to government influence and intrusion in an area where such influence and intrusion were inappropriate."

c. Freedom of Religion

The Charter of Rights and Freedoms provides for freedom of religion, and the Government generally respects this right in practice.

In the province of Saskatchewan, during the 2000-01 academic year the Saskatoon school board implemented a new policy called "School Opening Exercises: Connections to Curricula and Celebrations," replacing its prior policy requiring children to recite (or remain silent during the recital of) the Lord's Prayer. Under the new policy, daily school opening exercises are limited to: instruction on the values education units developed by the Saskatoon Public Schools Division; opportunities for personal reflection through a moment of silence, writing in a personal journal, or sharing a thought for the day; or the singing of the national anthem.

Public funding for Roman Catholic schools--or separate schools--is constitutionally protected in the country's original four provinces, but the policy has been challenged in recent years. In 1999 the U.N. Human Rights Committee found that the province of Ontario had failed to provide equal and effective protection against discrimination. On June 27, the Ontario provincial legislature passed a graduated tax credit plan for parents of children attending all private schools, removing the historical limitation that provided such credits only in regard to Roman Catholic schools. The plan is scheduled to be phased in over the next 5 years, beginning in 2002.

In 1999 the government-mandated Proulx task force submitted a report on religion in schools to the Quebec provincial assembly. Its 14 recommendations included abolishing Catholic and Protestant status for public schools and creating secular public schools within which religion would be studied from a cultural perspective. Publicly funded support services would be provided for students of all faiths. In June 2000, the Quebec provincial assembly passed Bill 118, which incorporated the Proulx report recommendations. This legislation based school commissions and schools on linguistic rather than religious lines, required schools to provide either Catholic, Protestant, or moral education classes, and reduced teaching hours for such classes from 120 to 72 hours per 2-year cycle. All public schools in Quebec are open to all and are not faith-based.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respects them in practice.

The law provides for the granting of asylum and refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and extends first asylum. Canada is a resettlement country, and the Government projected approving over 40,000 claims for refugee status during the year.

In January the authorities deported a Tunisian national after his asylum claim was denied. On his return to Tunisia, he was sentenced to 3 years in prison and 5 years' administrative detention for participating in a student association. He claimed that he was tortured during pretrial detention. He was released due to political pressure from inside Tunisia and Canada, and was readmitted to Canada under a special permit from the Minister of Immigration. Other than this case, there were no reports of the forced expulsion of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise

this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

In November 2000, the Liberal Party won a majority with 172 of 301 seats in the national parliamentary elections. The Canadian Alliance (conservative) won 66 seats, the Bloc Quebecois (separatist) won 38 seats, the New Democratic Party (liberal) won 13 seats, and the Progressive Conservative Party (conservative) won 12 seats. Jean Chretien of the Liberal Party entered his third term as Prime Minister.

A significant body of opinion in the province of Quebec (represented by the party that governs the province) continues to maintain that Quebec has the right to withdraw from the Confederation if that decision proves to be the democratically expressed will of the residents of Quebec. The Supreme Court ruled in 1998 that a unilateral declaration of independence would be illegal, but that the Federal Government and other provinces would be obligated to negotiate Quebec's separation if a clear majority of Quebecers voted to change their relationship with Canada on the basis of a clearly phrased referendum question. However, there is no expectation of another referendum on sovereignty before 2005.

There are no laws limiting the participation of women in political life; however, the percentage of women in government and politics does not correspond to their percentage of the population. In the Parliament, 62 of 301 members in the House of Commons are women, and 33 of 105 senators are women. Women held 10 seats in the 36-person Cabinet. In 1999 a woman was appointed for the first time as Chief Justice of the Supreme Court. The Governor General is a woman.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Charter of Rights and Freedoms provides for equal benefits and protection of the law regardless of race, national or ethnic origin, color, religion, sex, age, or mental or physical disability. These rights generally are respected in practice; however, there were some complaints of discrimination in this multicultural society.

Women

The law prohibits violence against women, including spousal abuse; however, it remained a problem. The Government's publication on family violence statistics for 1999 indicated that an estimated 8 percent of women (and 7 percent of men) who were married or living in a common-law relationship during the previous 5-year period experienced some type of violence committed by their partner on at least one occasion. The economic costs of violence against women are estimated to be \$2.7 billion (Can \$4.2 billion). Services available to abused women have increased significantly over the past 2 decades, and there were 508 shelters for abused women across the country in 2000.

A total of 24,049 cases of sexual assault were reported in 2000, an increase of 177 cases from 1999. The courts consider such cases seriously and those convicted of sexual assault face up to 10 years in prison. Cases involving weapons, threats, wounding, or endangerment of life carry longer sentences, up to life imprisonment.

Prostitution is legal, but pimping and operating, being found in, or working in a brothel are not. Living (wholly or partially) on the earnings of prostitution of others is illegal. Communicating in public for the purpose of prostitution (solicitation) is also illegal, but is considered a lesser offense than the other offenses related to prostitution.

Women were trafficked for purposes of sexual exploitation (see Section 6.f.).

The Criminal Code prohibits criminal harassment (stalking) and makes it punishable by imprisonment for up to 5 years. The law prohibits sexual harassment, and the Government generally enforces this provision. Women continued to complain of harassment in the armed forces, and the Government has established mechanisms to try to resolve complaints (see Section 1.c.).

Women are well represented in the labor force, including business and the professions. Employment equity laws and regulations cover federal employees in all but the security and defense services. Women have

marriage and property rights equal to those of men. Women head over 85 percent of single-parent households.

Children

The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. Education is free through grade

13 and is compulsory nationwide through age 15 or 16, depending on the province. Federal and provincial regulations protect children from abuse, overwork, and discrimination and penalize perpetrators of such offenses.

There is no societal pattern of abuse of children. Changes to the law in 1997 strengthened tools to combat child prostitution and prohibited female genital mutilation, which is condemned widely by international health experts as damaging to both physical and psychological health.

Les Enfants de Duplessis, a private group of 250 of the 1,000 to 1,500 citizens who as orphan children were diagnosed falsely as retarded and psychotic, and illegally interned in mental institutions between the 1930's and 1950's, continued to seek compensation from the provincial and federal governments. They charge that the Government is responsible for the abuse that they received in the Catholic Church-run institutions, including beatings, electric shock treatment, and sexual abuse. In 1999 they formed a committee to seek restitution for the abuse suffered. In May 2000, the Catholic Church announced that it would participate in a "compassion fund," but would not issue a formal apology or admit fault in the cases. In June 2000, Les Enfants de Duplessis voted to accept the sum of about \$26 million (Can \$37 million) offered by the Quebec government. A small group of orphans is fighting to have that amount increased by religious orders and the Federal Government. Nonetheless, a general consensus among the media, NGO's, and civil society considered the offer fair and the case closed.

Children were trafficked for purposes of sexual exploitation (see Section 6.f.).

Persons with Disabilities

There is no legal discrimination against persons with disabilities in employment, education, or in the provision of other state services. Nevertheless, the Government continued to receive numerous complaints regarding societal discrimination against persons with disabilities and has instituted programs to discourage such discrimination. Persons with disabilities are underrepresented in the work force; they make up 2.7 percent of the federally regulated private sector work force, while those capable of working total 6.5 percent of the population. The law mandates access to buildings for persons with disabilities, and for the most part the Government enforces these provisions.

The law provides a variety of protections and rights for the disabled and specifically prohibits discrimination against persons with disabilities in employment, education, or in the provision of public services. Sexual exploitation of persons with disabilities in situations of dependency is a criminal offense. The law requires employers and service providers to accommodate special needs of persons with disabilities, unless it constitutes an undue hardship, and mandates access to buildings for the disabled. The Government has instituted programs to help the persons with disabilities join the work force, but they continued to experience more difficulties in getting and retaining employment than those without disabilities.

Indigenous People

The treatment of aboriginal people continued to be one of the most important human rights problems facing the country. The Constitution recognizes three different groups of aboriginals: Indians (generally called First Nations), Inuit (Eskimos), and Metis (persons of mixed Indian-European ancestry). Aboriginals make up approximately 2.8 percent of the population. In the country's three territories, aboriginals constitute 20 percent of Yukon, 62 percent of Northwest Territories, and 84 percent of Nunavut. Disputes over land claims, self-government, treaty rights, taxation, duty-free imports, fishing and hunting rights, and alleged harassment by police continued to be sources of tension on reserves. Aboriginal persons remain underrepresented in the work force, overrepresented on welfare rolls and in prison populations, and more susceptible to suicide and poverty than other population groups.

The Charter of Rights and Freedoms specifically protects aboriginal rights, including those established by historical land claims settlements; aboriginal rights also are recognized in the Constitution and by the courts. Historical treaties with native groups in eastern Canada form the basis for the Federal Government's policies there, but the antiquated language and uncertain intent have resulted in extensive legal challenges to the

Government's interpretation of treaty rights. Native groups in the west that never signed historical treaties continue to claim land and resources, and many continue to seek legal resolution of outstanding issues. As a result, the evolution of the Federal Government's policy toward aboriginal rights, particularly land claims, has been linked closely to legal challenges, including 45 Supreme Court decisions.

In 1998 the Government established the Aboriginal Action Plan, a "long-term, broad-based" policy approach to promote the quality of life of aboriginal people and promote self-sufficiency. According to Indian and Northern Affairs Canada, the Government budgeted \$4.7 billion (Can \$7 billion) for aboriginal programs in 2001-02. This money is intended to ensure that aboriginal persons have access to basic services (education, housing, water, sewage, health, and social) comparable to those provided to other citizens through provincial, municipal, and territorial governments.

Since 1999 the authorities have settled 16 specific claims, and 70 comprehensive land claims have been negotiated across the country. The Federal Government continued to be involved in self-government negotiations with over 350 First Nations, and several self-government agreements-in-principle (agreed upon by negotiators) and a few final agreements were in advanced stages of negotiations at year's end. Professional development and fiscal accountability projects further support indigenous self-governance.

In response to court decisions over the past few years, the Government continues to work at resolving a variety of issues, including fishing rights in Atlantic Canada. Disputes over native fishing rights in Atlantic Canada continued after a 1999 Supreme Court ruling on the Marshall case which interpreted centuries-old treaties to allow First Nations to earn a moderate livelihood from natural resources, in compliance with government regulations that promote conservation and protect others who depend on the same resource. The Federal Government negotiated interim fishing agreements with 30 of the 34 native communities in Atlantic Canada, but the Burnt Church First Nation in New Brunswick and 3 other groups in Nova Scotia have refused to sign the interim agreements and have been accused of contravening federal regulations by fishing for lobster out-of-season. In September nonaboriginal commercial herring fishermen protesting the closing of their own fisheries took their boats into an area where Burnt Church fishermen were engaged in a food fishery. The nonaboriginal fishermen sparked violence by cutting Burnt Church lobster trap lines and damaging aboriginal property. Other test cases that involve members of aboriginal groups being tried on charges of illegally harvesting timber on Crown land continued in the court systems in New Brunswick and Nova Scotia. Court cases also continue in Quebec over timber resources.

In 2000 the Federal and British Columbia governments concluded a treaty with the Nisga'a people who live in northwestern British Columbia. The treaty gave the Nisga'a control over 765 square miles of tribal lands, a cash settlement, fishing and timber-cutting rights, and certain rights of self-government. The treaty ended a range of special tax breaks and other benefits available under previous arrangements. The treaty was ratified by the Nisga'a people in 1998 and by the provincial legislature in 1999. It was debated and passed by Parliament in 1999. Although the British Columbia legislature ratified the treaty, two groups expressed their intention to challenge the treaty in court. These legal challenges include one from the Liberal Party that contends that the treaty should have been submitted to a referendum and one from the Gitanyow, an indigenous group located near the Nisga'a, who contend that the treaty awarded more than 85 percent of their traditional tribal lands to the Nisga'a. At year's end, the court of appeals had ruled against the party challenge and held its leaders personally responsible for court costs; the Gitanyow case still was pending in the courts.

Quebec's Indian people remain overwhelmingly opposed to separation from Canada and deeply distrust the separatist government of the province. Despite the Quebec Premier's recent overtures to the leaders of the Cree and Inuit nations, surveys indicate that most of Quebec's 60,000 Indians would favor partition of the province in the event of Quebec's separation from Canada. Indian leaders maintain that a sovereign Quebec would treat Indians as another ethnic minority instead of as sovereign nations within the territory of the province. To address these sentiments and respond to a pending lawsuit, in 1998 the Quebec government agreed with the Cree and Mohawk tribes to initiate negotiations regarding longstanding grievances over timber resources, public rights of way on tribal lands, and management of development in the James Bay region. In 1999 Quebec gave the Mohawks increased fiscal rights and powers, and the first summit in 11 years between Quebec's First Nations and the provincial government was held to establish a permanent policy forum to resolve ongoing issues. During 1999 the Government focused on negotiations over a commission to set up a political entity (Nunavik) for Quebec's Inuit. The commission, in accordance with an agreement signed in 1999, has Inuit, Quebec, and federal representatives. In September 2000, the James Bay Crees challenged the authority of the Nunavik Commission on the basis of overlapping land claims. The Commission presented its final report in March, recommending a new form of autonomous government for Nunavik specially designed to protect the Inuit language and culture.

In 1999 representatives of the Government of Newfoundland and Labrador, the Federal Government, and the Labrador Inuit Association initiated a land claims agreement for the Inuit. The plan provides for land, water rights, self-government, and an economic development plan that includes sharing revenues from subsurface

developments.

Religious Minorities

There were a number of reports of harassment of religious minorities.

The League for Human Rights of B'nai Brith in Canada reported that there were 280 incidents of anti-Semitism in 2000—a 5 percent increase from 1999. Harassment comprised 192 of the incidents, a decrease of 6 percent over 1999. However, the League stressed that many of those incidents were far more violent than in past years. Vandalism increased by 42 percent. Most anti-Semitic incidents occurred in Toronto and Montreal. The League continues to express concern over the growth of anti-Semitic activity on the Internet (see Section 2.a.).

In July Ontario authorities removed seven children from a family belonging to the Christian fundamentalist Church of God (affiliated with the Mennonites) in Aylmer, Ontario. Provincial authorities said that the children showed signs of heavy corporal punishment; church practices advocated the use of belts and sticks in disciplining children. Provincial authorities had warned the Church of God for several months previously that such severe corporal punishment could constitute child abuse. Over 100 Church of God members subsequently fled the country, fearing that more children might be taken from their families. Provincial authorities eventually returned the original children to their home, but the children remain under close provincial supervision.

In May a Muslim chaplain filed suit in federal court against an Ontario provincial judge who ejected him from the courtroom in 1993 for wearing a Muslim cap. The chaplain's initial complaints filed with the provincial and federal human rights commissions were dismissed because the law gives judges immunity from human rights laws. In November the federal district court dismissed the case, and in December the chaplain filed an appeal.

Following the September 11 terrorist attacks in the United States, anti-Muslim sentiment rose in communities across the country. Incidents included harassment and vandalism such as beatings, threats, property damage, and attempted firebombing of a mosque. The Government strongly and publicly criticized such sentiments or actions and urged the population to refrain from prejudice against Muslims or other persons on the basis of their religious beliefs, ethnic heritage, or cultural differences. Police forces across the country actively investigated and discouraged anti-Muslim actions.

National/Racial/Ethnic Minorities

The narrow defeat of the 1995 Quebec sovereignty referendum left unresolved the concerns of French-speaking Quebecers about their minority status in Canada, while sharpening the concerns of English-speaking Quebecers about their minority status in the province (see Section 3). In August provincial Premier and separatist Parti Quebecois leader Bernard Landry said that the province would hold another referendum on sovereignty in 2005.

Some English-speaking and aboriginal groups in Quebec assert the right to keep parts of Quebec in Canada in the event that Quebec declares independence. Despite personal meetings and other overtures by Quebec's Premier to aboriginals and the English-speaking community, both groups remain distrustful of the separatist government of Quebec. Many members of these communities fear that their rights would be infringed by a sovereign Quebec.

The Charter of Rights and Freedoms protects the linguistic and cultural rights of minorities. Despite the federal policy of bilingualism, English speakers in Quebec and French speakers in other parts of the country generally must live and work in the language of the majority.

The English-speaking minority of Quebec, representing 9 percent of the population of the province and 16 percent of the population of the city of Montreal, continues to protest restrictions placed on English-language use. English speakers also expressed concern over the increasing scarceness of health services and public schooling in their language. Quebec's language law also stipulates that French is the working language of most businesses and must predominate in bilingual commercial signage.

Quebec's language law restricts access to publicly funded, English language schools through grade 11 to children whose parents were educated in English in Canada and to short-term residents. The Quebec courts heard two cases challenging this law. In February the Quebec Court of Appeal refused to widen access to Quebec's English-language schools. Another case was brought by a group whose native tongue is neither French nor English, who alleged that the law restricting English-language schools to children whose parents were educated in English in Canada is discriminatory. In December 2000, a Superior Court ruled that the

Charter of Rights and Freedoms takes precedence over Quebec's language law, but in January the Quebec Court of Appeal put the previous ruling on hold, and the case finally was dropped.

In October 2000, three coffeehouses with English names were firebombed, allegedly in an attempt to force them to change their names to French. In July a court convicted a man (who was associated with a group that aims to eliminate the use of English in Quebec) of the bombings and sentenced him to 6 months in jail for weapons' possession and 1 month for the firebombing.

In November 2000, the Quebec government established an Estates General Commission of Inquiry (the Lacrosse Commission) on the status of the French language in Quebec. Public hearings were held across the province and the Commission released its final report in August. The report recommended improving the instruction and quality of French, English, and any third language; that Quebec petition the Federal Government for power to choose all of its immigrants; that safeguards be institutionalized for the anglophone minority; and that a Quebec citizenship be granted.

Provinces other than Quebec often lack adequate French-language schooling and health services, which is of concern to local francophones, although French-language schools and French immersion programs are reported to be thriving in all three prairie provinces.

Section 6 Worker Rights

a. The Right of Association

Except for members of the armed forces and some police, workers in both the public and private sectors have the right to associate freely. The Labor Code protects these rights for all employees under federal jurisdiction, while provincial legislation protects all other organized workers.

Trade unions are independent of the Government. Of the civilian labor force, approximately 29.5 percent is unionized.

All workers have the right to strike, except for those in the public sector who provide essential services. The law prohibits employer retribution against strikers and union leaders, and the Government generally enforces this provision in practice.

Labor action, including strikes, occurred throughout the country during the year. Significant strikes during the year included: 13,000 members of the Canadian Union of Public Employees (janitors, secretaries, bus drivers, language teachers, and special education teachers in Toronto's 565 public schools); health care workers, especially nurses in British Columbia and Nova Scotia; and municipal service workers in Alberta and British Columbia. On August 16, the British Columbia provincial assembly passed a bill making education an essential service and limiting the ability of teachers and school workers to strike. The legislation allows teachers and support workers to strike but requires that all students, regardless of age or grade, continue to receive classroom instruction, even if it is from a minimal staff, during any work stoppage.

Unions are free to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively

Workers in both the public (except for some police) and the private sectors have the right to organize and bargain collectively. While the law protects collective bargaining, there are limitations, which vary from province to province, for some public sector workers providing essential services.

The law prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities. There are effective mechanisms for resolving complaints and obtaining redress.

All labor unions have full access to mediation, arbitration, and the judicial system.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, including that performed by children, and it generally does not occur; however, women and children were trafficked for the purpose of sexual exploitation (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor legislation varies from province to province. The Federal Government does not employ youths under 17 years of age while school is in session. Most provinces prohibit children under age 15 or 16 from working without parental consent, at night, or in any hazardous employment. These prohibitions are enforced effectively through inspections conducted by the federal and provincial labor ministries.

The Government prohibits forced and bonded child labor and generally enforces this prohibition effectively; however, children were trafficked for the purpose of sexual exploitation (see Section 6.f.).

e. Acceptable Conditions of Work

Standard work hours vary from province to province, but in all provinces the limit is 40 or 48 a week, with at least 24 hours of rest.

Minimum wage rates are set in each province and territory, and range from \$3.54 to \$4.64 (Can \$5.50 to Can \$7.20) per hour. Ontario and Alberta have a minimum wage rate for youths lower than their respective minimums for adult workers. The minimum wage does not provide a decent standard of living for a worker and family. A family whose only employed member earns the minimum wage would be considered below the poverty line.

Federal law provides safety and health standards for employees under federal jurisdiction, while provincial and territorial legislation provides for all other employees. Federal and provincial labor departments monitor and enforce these standards. Federal, provincial, and territorial laws protect the right of workers with "reasonable cause" to refuse dangerous work and to remove themselves from hazardous work conditions.

f. Trafficking in Persons

The law does not prohibit trafficking in persons, although the Government prosecutes such offenses as violations of immigration policies; trafficking in women and children is a problem. The country is primarily a transit and destination point for trafficking in persons into sexual exploitation and involuntary servitude. There are no overall estimates as to the extent of the problem. There have been several widely reported cases of smuggling and trafficking, including hundreds of Chinese who arrived illegally by ship in British Columbia during the summer of 1999. There are reports that Honduran boys were trafficked to Canada for the purpose of drug trafficking. There are also reports that Mexican and Haitian men and women are trafficked to Canada.

Vancouver and Toronto serve as hubs for organized crime groups that traffic in persons, including trafficking for prostitution. East Asian crime groups have targeted Canada, and Vancouver in particular, because of lax immigration laws, benefits available to immigrants, and the proximity to the U.S. border.

Thousands of persons, including at least 15,000 Chinese, have entered Canada illegally over the last decade. These persons come primarily from East Asia (especially China and Korea; also Malaysia), Eastern Europe, Russia, Latin America (including Mexico, Honduras, and Haiti), and South Africa. Many of these illegal immigrants have paid large sums to be smuggled to the country and are indentured to their traffickers upon arrival. Almost all work at lower than minimum wage and use most of their salaries to pay down their debt at usurious interest rates. The traffickers use violence to ensure that their clients pay and that they do not inform the police. Asian women and girls who are smuggled into Canada often are forced into prostitution. Traffickers use intimidation and violence, as well as the illegal immigrants' inability to speak English, to keep these victims from running away or informing the police.

Parliament passed the Government's proposed Immigration Act and the Governor General signed it into law in November. Part three of the act contains a section on Human Smuggling and Trafficking, which makes such action an offense punishable by fine or imprisonment, but this section of the act had not entered into force at year's end. The Government investigates and prosecutes cases of trafficking; however, law enforcement efforts directed at trafficking remain limited because trafficking is not yet a criminal offense. The RCMP does charge traffickers for violating a variety of other statutes when its investigations turn up instances of trafficking. In Toronto a combined federal and local task force (Operation Almonzo), which includes Toronto police, the RCMP, immigration officials, and social services groups, specifically is devoted to investigating the trafficking of women into sexual exploitation.

In February Vancouver police picked up an 11-year-old prostitute who said that she had been kidnaped in the United States and forced to work as a prostitute. Police arrested three men in the case.

On March 23, police arrested 9 persons involved in an international trafficking ring suspected of illegally transporting about 1,200 Korean and Chinese citizens through Canada into the United States. Many of those who entered the United States illegally were women under the age of 20 and were destined to work in a position of debt bondage to restaurants, factories, and brothels.

In November Vancouver police cracked a prostitution ring, and the authorities deported 11 Malaysian women, at least half of whom said that they had been coerced into prostitution by a man who seized their passports upon arrival in the country.

In April 2000, the Toronto police and other agencies arrested hundreds of suspects as part of a continuing effort to combat trafficking in persons for sexual purposes. The task force staged 16 raids on strip clubs and arrested more than 200 men for pimping and immigration-related offenses, as well as 100 foreign women on charges of prostitution.

The Interdepartmental Working Group on Trafficking in Women, cochaired by Citizenship and Immigration Canada and Status of Women Canada, also includes officials from the Ministry of Foreign Affairs and International Trade, Human Resources Development Canada, Justice Canada, the RCMP, and the Solicitor General's office. The Canadian International Development Agency funds a variety of programs internationally to educate potential victims, assist in building legal protection, and to help eradicate poverty. The Federal Government's programs focus largely on Southeast Asia but have also started antitrafficking programs in Russia. The Government has participated in a partnership with five countries in Southeast Asia working to establish control measures and a legal framework to help stop trafficking in women for prostitution. The country also has assisted other governments in revising their criminal codes to conform to relevant international conventions.

There are no government-sponsored programs to help victims of trafficking; however, the Government funds NGO assistance programs. Victims may apply for permanent residence under the "humanitarian and compassionate" provisions of the Immigration Act. Some victims of trafficking are arrested and deported. In prostitution cases, often the prostitute instead of the customer is arrested. If the woman is in the country illegally, she may face deportation, especially after committing a crime. Local authorities to some degree lack awareness about the victims of trafficking, which is compounded by the fear many victims have of telling the authorities about the crime committed against them.

The Government supports prevention efforts in source countries through NGO's in Canada.